

**(REVISED:**  
**1) ITEM 10 -PULLED**  
**2) ITEM 17-CORRECTION**  
**OF DISTRICT NUMBER**  
**3) ADDITION OF MiniMPA**  
**PRESENTATION**

CITY COUNCIL  
CITY OF WICHITA  
KANSAS

City Council Meeting  
9:00 A.M., May 9, 2006

City Council Chambers  
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the May 2, 2006 regular meeting

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AWARDS AND PROCLAMATIONS

- Proclamations:
  - Arson Awareness Month
  - Music Week
  - RiverFest XXXV Week
  - WIBA 75<sup>th</sup> Anniversary Recognition Day
- Presentation of MiniMPA Certificates

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PUBLIC AGENDA

1. Marydel Grayum – Recycling.

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CONSENT AGENDA

2. Report of the Board of Bids and Contracts Dated May 8, 2006.

RECOMMENDED ACTION: Receive and file report; approve Contracts;  
authorize necessary signatures.

3. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Rick W. Brazile Kim T. Huynh	Wal-Mart Supercenter #3283 Kim Son Asian Food Market	10600 West 21 <sup>st</sup> Street 960 East Pawnee
<u>New Establishment</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Dewey McFeeters	Taco Chop, LLC*	3825 South Seneca
<u>New Operator</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Navid Hafri Evan Nguyen	24K LLC dba Valero Evans Company	1622 South West Street 3733 North Arkansas
<u>Special Event</u>	<u>June 10-11, 2006</u>	
Juanita Albert	Big Dog Motorcycles Tornado Rally	1520 East Douglas

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and  
approval.

4. Preliminary Estimates:

- a) Lateral 379 Four-Mile Creek Sewer to serve Krug North Second Addition - north of 21st Street North, west of 143rd Street East. (468-84055/744177/480865) Does not affect existing traffic. (District II) - \$153,000
- b) Water Distribution System to serve Krug North Second Addition - north of 21st Street North, west of 143rd Street East. (448-90096/735310/470981) Does not affect existing traffic. (District II) - \$117,000
- c) Lateral 9, Main 13, Sanitary Sewer #23 to serve Falcon Falls 3rd Addition - north of 45th Street North, west of Hillside. (468-84096/744181/480869) Does not affect existing traffic. (District I) - \$188,000
- d) Water Distribution System to serve Shadow Woods Addition - north of Maple, west of 135th Street West. (448-89984/735303/470974) Does not affect existing traffic. (District V) - \$91,000
- e) Water Distribution System to serve Whispering Lakes Estates Addition - south of Harry, west of 159th Street East. (448-90166/735300/470971) Does not affect existing traffic. (District II) - \$72,000

(Item 4 continued)

- f) Jewell from the west line of Lot 8, Block B, west to the west line of Upland Hills; Upland Hills from the north line of Jewell south to the south line of Lot 11, Block D; Grant from the east line of Upland Hills east to the west line of Lot 1, Block D; Jewell Court from the south line of Jewell south to and including the cul-de-sac; Upland Hills Court from the westerly line of Upland Hills north to and including the cul-de-sac; Sidewalk along one side of Jewell, Upland Hills, and Grant to serve Turkey Creek Second Addition - north of Pawnee, west of 119th Street West. (472-84029/765983/490098) Does not affect existing traffic. (District V) - \$509,000
- g) CDBG City of Wichita Park Lighting, Phase I: McAdams Park - south of 17th Street, east of Ohio Street. (472-84409/092006/785050/395182) does not affect existing traffic. (District I) - \$35,000

RECOMMENDED ACTION: Receive and file.

5. Petitions for Public Improvement

- a) Construct a sanitary sewer in Harvest Ridge Addition, west of Maize, south of 31<sup>st</sup> Street South. (District IV)
- b) Construct a sanitary sewer in Emerald Bay Estates Addition, west of West Street, north of 21<sup>st</sup> Street. (District V)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

6. Deeds and Easements:

- a) Drainage and Utility Easement dated April 7th, 2006 from International Trading, Inc. over a tract of land lying within a portion of Lot 31, Block 4, Woodland Lakes Estates Third Addition, an Addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City.
- b) Drainage and Utility Easement dated March 10th, 2006 from Kansas Bait & Tackle, LLC, a Kansas limited liability Company over a tract of land lying in Lots 5 and 6, Block 1, North Ridge Village Addition, an Addition to the City of Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City.
- c) Drainage Easement dated January 5, 2005 from The Catholic Diocese of Wichita, a Kansas Corporation over a portion of Government Lot 3 in the NW 1/4 of Sec. 6, Twp. 27-S, R-1-W of the 6th P.M., Sedgwick County, Kansas, (OCA # 607861). No Cost to City.
- d) Underground Drainage Easement dated March 15th, 2006 from Twenty First Growth, L.L.C. over a tract of land lying in a portion of Lot 7, Block 1, Hawthorne Fourth Addition, an Addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- e) Dedication dated March 30, 2006 by I.T.J Investments, Inc., a Kansas Corporation over a tract of land lying in the East 1/2 of the NE 1/4 of Sec.5, Twp 28-S, R-2-E of the 6th P.M., Sedgwick County, Kansas, (OCA # 607879). No Cost to City.
- f) Dedication dated April 3, 2006 by The Villas At Waterford, LLC, a Delaware Limited Liability Company over a tract portion of Lot 16, Block 1, Mediterranean Plaza, an Addition to the City of Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City.

(Item 6 continued)

- g) Sanitary Sewer Easement dated April 10, 2006 from Monica L. Walker, Jimmie D. Walker, and Geneva C. Marx over a tract of land lying in the South Half of the Southeast Quarter of the Southwest Quarter of Section 12, Township 28 South, Range 1 West of the Sixth P.M. in Sedgwick County, Kansas (OCA # 714440). No Cost to City.
- h) Sanitary Sewer Easement dated March 24, 2006 from Donna S. Veith, Trustee of the Donna S. Veith Trust over a tract of land lying in the South Half of the Southeast Quarter of the Southwest Quarter of Section 12, Township 28 South, Range 1 West of the Sixth P.M. in Sedgwick County, Kansas (OCA # 714440). No Cost to City.
- i) Sanitary Sewer Easement dated March 10, 2006 from William P. Veith, Trustee of the Julie A. Veith over a tract of land lying in the South Half of the Southeast Quarter of the Southwest Quarter of Section 12, Township 28 South, Range 1 West of the Sixth P.M. in Sedgwick County, Kansas (OCA # 714440). No Cost to City.

RECOMMENDED ACTION: Accept documents.

7. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve the Street Closures.

8. Agreements/Contracts:

- a) City Buildings and Facilities, On-Call Architectural Services.
- b) Tennis services and management-Ralph Wulz Tennis Center. (District VI)
- c) Staking in Country Hollow Addition, south of Kellogg, east of 127<sup>th</sup> Street East. (District IV)-Supplemental.
- d) Renewal of Food Service Establishment Inspection Contract with Kansas Department of Health and Environment.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

9. Design Service Agreements:

- a) Krug North Second Addition, north of 21<sup>st</sup> Street, west of 143<sup>rd</sup> Street East. (District II)
- b) Woodland Lakes Estates Third and Fourth Additions, south of Lincoln, west of 127<sup>th</sup> Street East. (District II)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

**(Item 10)**

**10. Contract for Indigent Defense Services.**

**(ITEM PULLED PER CITY COUNCIL)**

**11. 2007 Community Services Block Grant Discretionary Fund Application.**

RECOMMENDED ACTION: Approve the proposal for 2007 Community Services Block Grant Discretionary Funds and authorize the necessary signatures.

**12. Water Distribution Inventory Budget.**

RECOMMENDED ACTION: Approve increasing the inventory budget by \$1 million.

**13. Waterline along Hoover, north of Zoo Boulevard. (District V)**

RECOMMENDED ACTION: Approve the revised project budget; adopt the resolutions; and authorize the necessary signatures.

**14. Naming of Park Land at 11<sup>th</sup> Street and Indiana. (District I)**

RECOMMENDED ACTION: Approve naming the park “Paul Laurence Dunbar Park”.

**15. Cross-Lot Drainage Agreement and Drainage Easement at east 21<sup>st</sup> Street North and Jardine. (District I)**

RECOMMENDED ACTION: Grant the easement and authorize the necessary signatures.

**16. Contract Extension for the acquisition of a portion of 7700 East Kellogg for the East Kellogg Improvement Project. (District II)**

RECOMMENDED ACTION: Approve the first amendment to contract for conveyance and exchange of real estate purchase; and authorize the necessary signatures.

**(ITEM 17)**

**17. Easement across City-owned property near Pawnee and McLean in conjunction with the improvement of Pawnee Avenue. (Districts III and IV)**

RECOMMENDED ACTION: Approve the temporary easement, authorize the execution of the permanent easement when appropriate and authorize the necessary signatures.

18. Contracts, Agreements and Purchase Orders for April 2006.

RECOMMENDED ACTION: Receive and file.

19. Abatement of Dangerous and unsafe Structures. (Districts I, III, IV)

RECOMMENDED ACTION: Approve the proposed assessments and place the Ordinance on first reading.

20. Second Reading Ordinances: (First read May 2, 2006)

a) Tax Exemptions Millennium Concepts, LLC. (District IV)

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Millennium Concepts, LLC so exempted.

b) A06-11R-generally located southeast of 47th Street South and Meridian Avenue. (District IV)

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas. (A06-11)

RECOMMENDED ACTION: Adopt Ordinances.

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NEW BUSINESS

21. Petition to pave Merton, east of Seneca. (District IV)

The signatures on the Petition represent 3 of 5 (60%) resident owners and 41.5% of the improvement district area. District IV Advisory Board sponsored an April 5, 2006, neighborhood hearing on the project. The Board voted 8-2 to recommend approval of the project.

RECOMMENDED ACTION: Approve Petition; adopt the Resolution and authorize the necessary signatures.

22. Petition to construct a Water Distribution System in Rainbow Lakes West Addition, south of Central, east of 135<sup>th</sup> Street West. (District V)

The signatures on the Petition represent 26 of 30 (86.7%) resident owners and 91% of the improvement district area. District V Advisory Board sponsored an April 3, 2006, neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the Petition; adopt the Resolution and authorize the necessary signatures.

23. DER2006-00005 - Proposed Unified Zoning Code Text Amendments to define “farmer’s markets,” specify supplementary use regulations for farmer’s markets, and add farmer’s markets as an allowable use in the “LC” Limited Commercial, “OW” Office Warehouse, “GC” General Commercial, “IP” Industrial Park, “CBD” Central Business District, “LI” Limited Industrial, and “GI” General Industrial Zoning Districts.

A request for regulatory changes to allow outdoor farmer’s markets in LC Limited Commercial zoning districts for more than two days per month has been made to at least one City Council Member. There is interest among other City Council members to define, guide and/or promote the direction and/or regulation of farmer’s markets.

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC  
and adopt the text amendments and place the  
Ordinance establishing the text amendments on  
first reading, or  
2. Return the application to the MAPC for  
reconsideration.

24. Proposed adoption of licensing regulations for Farmer’s Markets – New Chapter 3.94 of the Code of the City of Wichita.

A request for regulatory changes to allow outdoor farmer’s markets in “LC” Limited Commercial zoning districts for more than two days per month has been made to at least one City Council Member. There is interest among other City Council Members to define, guide and/or promote the direction and/or regulation of farmer’s markets.

RECOMMENDED ACTION: Place the Ordinance creating Chapter 3.94 of the  
City Code of the City of Wichita, pertaining to  
licensing of outdoor farmer’s market on first reading  
and authorize the necessary signatures.

(9:30 a.m. or soon thereafter)

25. Repair or Removal of Dangerous and Unsafe Structures. (District I)

On March 21, 2006 a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on May 9, 2006.

<u>Property Address</u>	<u>Council District</u>
a. 525 North Mathewson	I
b. 1413 East 9th Street	I
c. 1132 North Grove	I
d. 1322 North Chautauqua	I
e. 1216 North Dellrose	I
f. 2920 East Stadium	I

RECOMMENDED ACTION: Close the public hearing; adopt the resolutions declaring the buildings dangerous and unsafe structures, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair the structures would be contingent on the following:  
(1) All taxes have been paid to date, as of May 9, 2006  
(2) the structures have been secured as of May 9, 2006 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of May 9, 2006 and will be so maintained during renovation.

26a. Ordinance Section 1. Section 3.10.010, Created to establish a process for permitting community events.

Currently, the City of Wichita has no ordinances regulating the use of public or private property for large-scale community events. Staff was directed to review current procedures and develop ordinances and procedures, which would simplify the approval process for community events.

RECOMMENDED ACTION: Place the Ordinance on first reading and authorize the necessary signatures.

26b. Ordinance Amendments to Sections 9.04.030, 9.04.040, 9.04.080, 9.04.190, regarding community events in City Parks.

Currently, the City of Wichita has no ordinances regulating the use of public or private property for large-scale community events. Staff was directed to review current procedures and develop ordinances and procedures, which would simplify the approval process for community events.

RECOMMENDED ACTION: Place the Ordinance on first reading and authorize the necessary signatures.



26c. Ordinance Amendments to Sections 10.04.130, regarding street usage to allow obstructions associated with approved community events.

Currently, the City of Wichita has no ordinances regulating the use of public or private property for large-scale community events. Staff was directed to review current procedures and develop ordinances and procedures, which would simplify the approval process for community events.

RECOMMENDED ACTION: Place the Ordinance on first reading and authorize the necessary signatures.

26d. Ordinance Amendments to Sections 7.41.030 and Creating 7.41.042, 7.41.045 and 7.42.043, relating to noise and authorization to utilize sound amplification equipment.

Currently, the City of Wichita has no ordinances regulating the use of public or private property for large-scale community events. Staff was directed to review current procedures and develop ordinances and procedures, which would simplify the approval process for community events.

RECOMMENDED ACTION: Place the Ordinance on first reading and authorize the necessary signatures.

27. HUD 2006/2007 One-Year Action Plan. (Districts I, III, IV, VI)

The U.S. Department of Housing and Urban Development (HUD) requires submission of a One-Year Action Plan for the Community Development Block Grant (CDBG), the HOME Investment Partnerships (HOME) and the Emergency Shelter Grant (ESG) programs. On April 4, 2006, the City Council approved the draft 2006/2007 One Year Action Plan as an amendment to the 2004/2008 Consolidated Plan and authorized the thirty-day public comment period to begin.

RECOMMENDED ACTION: Close the public comment period and approve the 2006/2007 One Year Action Plan and authorize the necessary signatures and submission of the plan to HUD.

28. Gilbert and Mosley TIF Extension Ordinance-Public Hearing.

The City approved a Settlement Agreement with the Kansas Department of Health and Environment (KDHE) on March 26, 1991, under which the City undertook responsibility for the investigation and clean up of the Gilbert & Mosley Site.

RECOMMENDED ACTION: Close the Public Hearing; place the ordinance on first reading and hold second reading of the ordinance until approval is received from the County and School District.

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PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

\* Consent Items

29. ZON2006-13; CON2006-07-Amendment to Protective Overlay #136 to remove “car wash” from a list of prohibited uses, and approval of a car wash. Generally located at the southwest corner of Central and Ellson. (District II)

RECOMMENDED ACTION: 1. Adopt the findings of the MAPC and approve both the modification to Protective Overlay #136 and the Conditional Use request for a car wash, subject to the recommended conditions; Or,  
2. Return the application to the MAPC for reconsideration; Or,  
3. Take other appropriate action.

30. ZON2006-00010-Zone change from “SF-5” Single-family Residential to “TF-3” Two-family Residential. Generally located northwest of Hoover Road and 8th Street North. (District VI)

RECOMMENDED ACTION: 1. Adopt the findings of the MAPC, approve the zone change subject to platting within one year; instruct planning staff to forward the ordinance for first reading when the plat is forwarded to the City Council, instruct staff to withhold publication until the plat is recorded; Or,  
2. Return the application to the MAPC for reconsideration.

31. DR2005-18: South Central Neighborhood Plan. (Districts I and III)

RECOMMENDED ACTION: Adopt the South Central Neighborhood Plan as an amendment to The Wichita-Sedgwick County Comprehensive Plan and place the Ordinance on first reading.

32. \*ZON2006-00009-Zone change from “SF-5” Single-family Residential to “LC” Limited Commercial. Generally located approximately 900 feet south of Central on the west side of Tyler Rd. (District V)

RECOMMENDED ACTION: 1. Adopt the findings of the MAPC and approve the zone change, subject to the recommended condition and place the ordinance on first reading; Or,  
2. Return the application to the MAPC for reconsideration.

33. \*CUP2006-07 Associated with (ZON2006-08) Creation of DP296 Faber Community Unit Plan; zone change to "LC" Limited Commercial and "GO" General Office. Generally located at the northeast corner of 29th Street North and 119th Street West. (District V)

RECOMMENDED ACTION: 1. Adopt the findings of the MAPC and approve the zone change subject to platting within one year and approve the CUP; instruct the Planning Department to forward the Ordinance for first reading when the plat is forwarded to City Council; Or,  
2. Return the application to the MAPC for reconsideration.

34. \*A06-09R-Request by Dennis Schoenebeck, of the Young Men's Christian Association of Wichita, Kansas, to annex land generally located northwest of the intersection at 21st Street North and 135th Street West. (District V)

RECOMMENDED ACTION: Approve the annexation request; place the ordinance on first reading and authorize the necessary signatures.

35. \*A06-12R-Request by Robert Noller, of Wichita United Methodist District Union, Inc., to annex land generally located southwest of 135th Street West and 21st Street North. (District V)

RECOMMENDED ACTION: Approve the annexation request; place the ordinance on first reading and authorize the necessary signatures.

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### HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

\*Consent items.

**Inafay Grays-McClellan, Housing Member is also seated with the City Council.**

36. Disposition Plan-1631 East 17<sup>th</sup> Street.

RECOMMENDED ACTION: Review and approve the submission of the Disposition Application to the Department of Housing and Urban Development for the sale of 1631 East 17<sup>th</sup> Street; adopt the Resolution; and authorize the necessary signatures.

37. Revision of the 2005 Capital Fund Program Grant.

RECOMMENDED ACTION: Approve the revision of the 2005 Capital Fund Grant Budget.

38.    \*Admissions and Continued Occupancy Policy (ACOP).

RECOMMENDED ACTION:   Review and approve revisions to the Admission and Continued Occupancy Policy for administration of the Public Housing Program.

39.    \*2006 Utility Allowances – Public Housing Program.

RECOMMENDED ACTION:   Review and approve the 2006 utility allowances for the Public Housing Program.

40.    \*Family Self-Sufficiency Grant Application.

RECOMMENDED ACTION:   Approve the application and grant award upon receipt and authorize the necessary signatures.

41.    \*Section 8 Housing Choice Voucher Administrative Plan Revisions.

RECOMMENDED ACTION:   Review and approve the revisions to the Section 8 Administrative Plan for the Section 8 Housing Choice Voucher Program.

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CITY COUNCIL

42.    Board Appointments.

RECOMMENDED ACTION:   Make the appointments.

Adjournment